

sec. (g)(2) and (3) effective Nov. 1, 1981, and applicable to members who are retired, placed on the temporary disability retired list, discharged, or involuntarily released on or after Nov. 1, 1981, except that such enactment not to apply to any member who before Nov. 1, 1981, had completed eighteen years of active service, see section 121(d) of Pub. L. 97-60, set out as a note under section 404 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1965 AMENDMENT; REIMBURSEMENT OF EXPENSES

Amendment by Pub. L. 89-101 effective May 1, 1965, and personal expenses for transportation of motor vehicles transported after Apr. 30, 1965, and before July 30, 1965, reimbursable, see section 3 of Pub. L. 89-101, set out as a note under section 2634 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

STORAGE OF HOUSEHOLD EFFECTS

Pub. L. 101-510, div. A, title V, § 503(c), Nov. 5, 1990, 104 Stat. 1558, as amended by Pub. L. 103-160, div. A, title V, § 561(l)(2), Nov. 30, 1993, 107 Stat. 1668; Pub. L. 105-261, div. A, title V, § 561(f), Oct. 17, 1998, 112 Stat. 2025; Pub. L. 106-398, § 1 [[div. A], title V, § 571(f)], Oct. 30, 2000, 114 Stat. 1654, 1654A-134, provided that:

“(1) The Secretary of a military department shall exercise the authority provided by section 406 of title 37, United States Code, to provide nontemporary storage of baggage and household effects for a period not longer than one year in the case of individuals who are involuntarily separated during the period beginning on October 1, 1990, and ending on December 31, 2001.

“(2) For purposes of this subsection, the term ‘involuntarily separated’ has the meaning given that term in section 1141 of title 10, United States Code.”

REVIVAL OF EXPIRED AMENDMENT

Section 621 of Pub. L. 101-510 provided that: “Subsection (b) of section 614 of the Department of Defense Authorization Act, 1986 [Pub. L. 99-145, set out as an Effective and Termination Dates of 1985 Amendment note above] (37 U.S.C. note) is repealed. The amendments made by subsection (a) of that section [amending this section] are hereby revived effective as of October 1, 1989.”

PROHIBITION ON RETROACTIVE PAYMENTS UNDER 1985 AMENDMENT

Section 614(c) of Pub. L. 99-145 prohibited payment of allowances to members by virtue of the amendments made by subsection (a), amending this section, in con-

nection with transportation of baggage and household effects provided the member before Nov. 8, 1985.

ALLOWANCES FOR LABOR IN CONNECTION WITH TRANSPORTATION OF MEMBERS' BAGGAGE AND EFFECTS; REPORT TO CONGRESS

Section 614(d) of Pub. L. 99-145 required Secretary of Defense to submit a report to Congress not later than Sept. 30, 1988, regarding the operation of any program carried out by the military departments under which payment of a monetary allowance is made to a member who provides all or a part of the labor in connection with the transportation of the baggage and household effects of the member and to include recommendations for legislative action the Secretary considers appropriate.

MONETARY ALLOWANCE IN LIEU OF TRANSPORTATION OF HOUSEHOLD EFFECTS

Pub. L. 94-212, title VII, § 747, Feb. 9, 1976, 90 Stat. 176, which provided that appropriations available for transportation of household goods of members of armed forces under subsec. (b) of this section shall be available as a monetary allowance for such transportation, payable in advance under regulations of the Secretary in an amount which would provide savings to the Government when compared with the total costs which would otherwise have been incurred under subsec. (b) of this section, was repealed and reenacted as subsec. (k) of this section by Pub. L. 97-295, §§ 3(4), 6(b), Oct. 12, 1982, 96 Stat. 1303, 1314. Subsec. (k) was subsequently redesignated (j) and repealed.

FUNERAL TRANSPORTATION AND LIVING EXPENSE BENEFITS; VIETNAM CONFLICT

Pub. L. 93-257, Mar. 29, 1974, 88 Stat. 53, entitled the “Funeral Transportation and Living Expense Benefits Act of 1974”, authorized the Secretary of Defense to provide funeral transportation and living expenses benefits for the family of any deceased member of the Armed Forces who died while classified as a prisoner of war or as missing in action during the Vietnam conflict and whose remains were returned to the United States after January 27, 1973, prior to repeal by Pub. L. 107-107, div. A, title VI, § 638(b)(3), Dec. 28, 2001, 115 Stat. 1148. See section 411f(d) of this title.

§ 406a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified

Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances under section 404 of this title, and to transportation of his dependents, baggage, and household effects under sections 406 and 409 of this title, if otherwise qualified, for travel performed before the effective date of orders that direct him to make a change of station and that are later—

(1) canceled, revoked, or modified to direct him to return to the station from which he was being transferred; or

(2) modified to direct him to make a different change of station.

(Added Pub. L. 88-238, § 1(1), Dec. 23, 1963, 77 Stat. 475.)

EFFECTIVE DATE; LIMITATIONS

Section 2 of Pub. L. 88-238 provided that: “This Act [enacting this section] becomes effective on October 1, 1949. Any member or former member of the uniformed services who, after September 30, 1949, but before the date of enactment of this Act [Dec. 23, 1963], has not

been paid, or has repaid the United States, an amount to which he otherwise would have been entitled had section 1 of this Act [enacting this section] been in effect during that period is entitled to be paid or repaid that amount, if the payment or repayment is otherwise proper and he applies for the payment or repayment within one year after the date of enactment of this Act."

APPROPRIATIONS

Section 3 of Pub. L. 88-238 provided that: "Any appropriations available to the departments concerned for the pay and allowances of members of the uniformed services are available for payments under this Act [enacting this section]."

§ 406b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating

(a) Under regulations prescribed by the Secretary concerned, a member of the uniformed services who is on permanent duty aboard a ship which is being overhauled or inactivated away from its home port and whose dependents are residing at the home port of the ship is entitled to transportation, transportation in kind, reimbursement for personally procured transportation, or an allowance for transportation as provided in section 404(d)(3) of this title for round-trip travel from the port of overhaul or inactivation to the home port on or after after the thirty-first calendar day, and every sixtieth calendar day after the thirty-first calendar day after the date on which the ship enters the overhaul or inactivation port or after the date on which the member becomes permanently attached to the ship, whichever date is later. However, in no event shall the amount of reimbursement for personally procured transportation or allowance for transportation exceed the cost of Government-procured commercial round-trip air travel.

(b) Transportation in kind, reimbursement for personally procured transportation, or a monetary allowance in place of the cost of transportation as provided in section 404(d)(1) of this title may be provided, in lieu of the member's entitlement to transportation, for the member's dependents from the location that was the home port of the ship before commencement of overhaul or inactivation to the port of overhaul or inactivation. The total reimbursement for transportation for the member's dependents may not exceed the cost of Government-procured commercial round-trip travel.

(c) In any case in which a member of the uniformed services is assigned to permanent duty aboard a ship that undergoes a change of home port to the overhaul or inactivation port, the dependents of the member may be provided transportation allowances prescribed in subsections (a) and (b) in lieu of the transportation authorized by section 406 of this title and section 2634 of title 10.

(d) Section 421 of this title does not apply with respect to transportation or allowances provided under this section.

(Added Pub. L. 91-210, §1(1), Mar. 13, 1970, 84 Stat. 53; amended Pub. L. 93-170, Nov. 29, 1973, 87 Stat. 689; Pub. L. 96-513, title V, §516(11), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 97-22, §11(b)(3)(A),

July 10, 1981, 95 Stat. 138; Pub. L. 99-145, title VI, §616(a), (c)(1), Nov. 8, 1985, 99 Stat. 641; Pub. L. 100-26, §8(d)(7), Apr. 21, 1987, 101 Stat. 285; Pub. L. 100-180, div. A, title XII, §1233(a)(3), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 101-189, div. A, title VI, §624(b), Nov. 29, 1989, 103 Stat. 1448; Pub. L. 102-484, div. A, title X, §1054(a)(5), Oct. 23, 1992, 106 Stat. 2502.)

AMENDMENTS

1992—Subsec. (d). Pub. L. 102-484 substituted "Section 421" for "Section 420".

1989—Subsec. (c). Pub. L. 101-189 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "A member of the uniformed services on permanent duty aboard a ship which undergoes a change of home port to the overhaul or inactivation port and the member's dependents may be provided the transportation allowances prescribed in subsections (a) and (b) of this section in lieu of the transportation authorized by section 406 of this title and section 2634 of title 10."

1987—Subsecs. (a), (b). Pub. L. 100-26, as amended by Pub. L. 100-180, substituted "round-trip" for "round trip" wherever appearing in subsec. (a) and "roundtrip" for "roundtrip" in subsec. (b).

1985—Pub. L. 99-145, §616(c)(1), struck out "away from home port" in section catchline.

Subsecs. (a) to (d). Pub. L. 99-145, §616(a), designated existing provisions as subsec. (a), substituted "calendar day, and every sixtieth calendar day after the thirty-first calendar day" for ", ninety-first, and one hundred and fifty-first calendar day", and added subsecs. (b) to (d).

1981—Pub. L. 97-22 substituted "uniformed services" for "Uniformed Services" in section catchline.

1980—Pub. L. 96-513 substituted "uniformed services" for "Uniformed Services", "title" for "chapter", and "later. However," for "later: *Provided, however, That*".

1973—Pub. L. 93-170 substituted "overhauling or inactivating" for "overhauling" in section catchline, and "overhauled or inactivated" and "overhaul or inactivation" for "overhauled" and "overhaul" respectively, wherever appearing in text.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by section 1233(a)(3) of Pub. L. 100-180 applicable as if included in the enactment of the Defense Technical Corrections Act of 1987, Pub. L. 100-26, see section 1233(c) of Pub. L. 100-180, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 616(b) of Pub. L. 99-145 provided that: "The travel allowances authorized by the amendments made by this section [amending this section] are payable only for travel that commences after September 30, 1985, but may be paid for members assigned to vessels being overhauled or inactivated away from home port on the date of the enactment of this Act [Nov. 8, 1985]."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

§ 406c. Travel and transportation allowances: members assigned to a vessel under construction

(a) ALLOWANCE AUTHORIZED.—(1) Under regulations prescribed by the Secretary concerned, a member of the uniformed services who is assigned to permanent duty aboard a ship that is under construction at a location other than—

(A) the designated home port of the ship; or

(B) the area where the dependents of the member are residing,